

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR QUALITY**

**Interim Significant Permit Revision, Significant Source Modification, Minor Permit  
Revision or Minor Source Modification Questions & Answers**

1.     Question:     Who can petition for an interim petition?

          Answer:     Any person who:

  - (a)     operates an existing source,
  - (b)     has a valid air operating permit, and
  - (c)     is located in an area that is designated either attainment or unclassified for all criteria pollutants (PM-10, SO<sub>2</sub>, NO<sub>x</sub>, ozone, CO and Pb)

                      may petition for an interim (but not to operate) for a modification that can be shown to not constitute a major PSD source or modification.
2.     Question:     If my source is located in a nonattainment designated area, can an interim petition be submitted?

          Answer:     Yes, as long as the pollutant which the nonattainment designation is based, is not going to be emitted.
3.     Question:     Can I petition for an interim minor permit revision or an interim minor source modification?

          Answer:     Yes.

  - (a)     The process and application for an interim for either a minor permit revision or a minor source modification is identical to that for an interim significant permit revision or significant source modification.
  - (b)     Likewise, the forms to be completed, the submission procedure and the fees are the same as those for a significant permit revision or significant source modification.
  - (c)     The only difference is that a minor permit revision or minor source modification does not have a 14 day public notice period.
  - (d)     The interim minor permit revision or minor source modification will be approved or denied within 19 days after the receipt of the petition for the interim.
4.     Question:     What do I have to include in the interim petition?

          Answer:     A written petition (verbal request is not sufficient) must include the following:

  - (a)     Completed, signed and dated Interim petition.

- (b) A completed and signed Public Notice (this is not necessary for a minor permit revision or a minor source modification).
- (c) A signed, dated, and notarized Affidavit of Construction.
- (d) Completed Interim Petition Checklist.
- (e) A non-refundable \$500 filing and review fee.

5. Question: What time frame can be expected for action on an interim significant permit revision or significant source modification petition?

Answer: The sequence of events is as follows:

- (a) The company will publish a public notice in the newspaper of largest circulation where the source is located noting that there is a fourteen (14) calendar period for interested parties to provide comments.
- (b) Receipt of the petition:
  - (i) All interim petitions should be submitted to OAQ.
  - (ii) The interim petition is stamped received by the OAQ.
- (c) The company will submit the proof of publication related to the public notice.
- (d) No Comments received:  
If no comments are received during the comment period, the interim decision (either approval or denial) will be made by the 17th day after the publication of the public notice or the 19<sup>th</sup> day after receipt of the petition for the interim, whichever is the later date.
- (e) Comments received:  
If comments are received, the OAQ will evaluate, answer the comments and make a decision (either approval or denial) within 31 days after the publication of the public notice or within 19 days after the receipt of the petition for the interim, whichever is the later date.
- (f) Denial of the petition:
  - (i) The OAQ will inform (by letter) the applicant that the petition has been denied, stating in the letter the reason(s) for the denial.

6. Question: What time frame can be expected for action on an interim minor permit revision or minor source modification petition?

Answer: The OAQ will issue or deny the interim minor permit revision or minor source modification within nineteen (19) days of the receipt of the petition.

The interim minor permit revision or minor source modification approval or denial is in effect on the issuance date of the decision.

7. Question: What happens if the OAQ does not issue or deny the interim petition within the specified time?

Answer: (a) The interim minor permit revision or minor source modification is automatically in effect if no decision has been made by OAQ after the 19<sup>th</sup> working day after the stamped receipt date of the interim petition.

2. The interim significant permit revision or significant source modification is automatically in effect if no decision has been made by OAQ after either the 17<sup>th</sup> day after the publication of the public notice if no comments were submitted or the 31<sup>st</sup> day after the publication of the public notice if comments were submitted or the 19<sup>th</sup> day after the stamped receipt date of the interim petition, whichever is the later date.

8. Question: What information is included in the public notice?

Answer: The following information should be specified in the public notice:

- (a) Name of the Company and complete address of the source.
- (b) Detailed description of the proposed construction.
- (c) Calculated potential to emit of the proposed construction.
- (d) Name of the public library where copies of the petition can be found.
- (e) The public comment period consists of fourteen (14) calendar days and three (3) additional working days to allow delivery of mailed comments.
- (f) The applicant may not operate the modification until a valid operating permit is issued.
- (g) Construction, even if an interim significant permit revision or significant source modification is issued, is undertaken entirely at the applicant's risk.

9. Question: Why would a petition for an interim be denied?

Answer: An interim petition may be denied because of one of the following reasons:

- (a) A written petition was not submitted. A verbal petition is not valid.
- (b) The written petition was not signed and dated.
- (c) The Affidavit of Construction was not submitted.
- (d) The submitted Affidavit of Construction was not either signed, dated or notarized.

- (e) Statement of acceptability of federal enforceability was not included in the petition.
- (f) A petition for construction of a new source was submitted.
- (g) A petition was submitted without sufficient conditions, limitations, and/or restrictions to prevent the applicability of PSD rules.
- (h) A petition was submitted without sufficient conditions, limitations, and/or restrictions to indicate compliance with NSPS, NESHAP, and all applicable state rules.
- (i) The OAQ has determined that the applicant does not intent to construct according to the petition.
- (j) Construction has commenced prior to the issuance of the interim significant permit revision, significant source modification, minor permit revision, or minor source modification.
- (k) The interim petition was falsified in any way.
- (l) The public was not properly notified.

10. Question: Why would an interim petition be revoked after it is issued?

Answer: An issued interim petition may be revoked because:

- (a) Full review of the proposed project shows that it will cause a degradation of air quality.
- (b) Full review shows that the proposed construction does not in fact comply with all state or federal rules.
- (c) Full review shows that PSD rules do indeed apply to the construction.
- (d) The OAQ determines that any of the reasons for denial mentioned in Answer No.9 becomes valid.

11. Question: If an interim petition is issued and later revoked, is the construction progress done between those events illegal?

Answer: No.

- (a) You must immediately cease all construction activity upon revocation of an interim petition.
- (b) Any subsequent construction would constitute a violation of 326 IAC 2-5 or 326 IAC 2-6.1 and possibly a violation of the PSD rules, too.
- (c) State and federal compliance officials will be notified of the revocation.

12. Question: What forms and guidance should I use for petition for an interim minor permit revision or interim minor source modification?

- Answer: The same guidance and forms apply to both the interim significant permit revision, significant source modification, minor permit revision, or minor source modification. The only form not applicable to interim minor permit revision or minor source modification is the public notice, because an interim for these does not need to be public noticed.
13. Question: If my petition is denied, will I be given reasons why?
- Answer: Yes.
14. Question: If my petition is denied, can I simply rectify the deficiencies and re-activate the petition?
- Answer: Yes, but if you wish to petition again, you must submit another petition with filing fee of \$500.
15. Question: If an interim petition is issued, can I operate my equipment?
- Answer: No. For the interim minor permit revision or minor source modification, the associated minor permit revision or minor source modification document is required before operation commences. For the interim significant permit revision or significant source modification, the associated administrative amendment must be issued before operation can commence. Testing and debugging of equipment is considered to be operation.